IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

Bail Appl..No. 1326 of 2007()

CRIME NO. 102 OF 2004 OF MALA POLICE STATION

PETITIONER/ACCUSED

JAYANANDAN, AGED 38 YEARS,
S/O.DUDHACHAN, KURUPPAMPARAMBIL HOUSE,
MALAPALLIPPURAM, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.RAJIT
SRI.M.L.SURESH KUMAR
SRI.RANJIT BABU

RESPONDENTS:

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1. CBI-SCB, MUMBAI, REPRESENTED BY
SPECIAL PROSECUTOR, CBI, HIGH COURT OF KERALA
AT ERNAKULAM.

2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.S.SREEKUMAR, SC FOR CBI
PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON **27/03/2007,** THE COURT ON **29/03/2007** PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 1326 of 2007

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Dated, this the 29th day of March 2007

ORDER

The accused in Crime No. 102 of 2004 of Mala Police Station for offences punishable under Sections 302, 307, 326, 354, 380 and 449 seeks his enalrgement on bail. The investigation of the case was subsequently transferred to the Crime Branch Police which re-registered the case as CBCID/165/CR/S.IILK/2004. It was again re-registered as RC 3/S/2005/CBI-SCB/MUM-CHE by the Central Bureau of Investigation. The petitioner was arrested on 2-12-2006 in connection with Crime No. 156/2006 of Puthenvelikkara Police Station.

2. I heard Adv. Sri. Rajit, the learned Counsel appearing for the petitioner and Adv. Sri. S. Sreekumar, the learned Standing Counsel appearing for the Central Bureau of Investigation.

3. The learned counsel appearing for the petitioner made the following submissions before me in support of this petition:-

None of the ornaments belonging to the deceased women has been recovered at the instance of the petitioner. Merely because a few gold ingots have been recovered it does not follow that those

ingots are the products obtained after melting the ornaments in question. C.W. 22 who is the injured woman who survived was admittedly sleeping when she was assaulted and her skull was broken. Such a woman cannot identify the assailant. The only other material against the petitioner is the alleged extra-judicial confession made by him to one Thambi in an inebriated condition.

3. I am afraid that I cannot agree with the above submissions. The case of the prosecution in brief is the following:

Nabeesa, who is one of the deceased in this case was living with her two daughters-in-law Noorjahan and Fousia and her grandchildren namely Nibul and Jennath at Pallippuram Desom in Mala. Both her sons Noushand and Ashraf were employed in the Middle East. On 26-3-2004 at about 4.30 a.m. Nabeesa, the old woman came out of her house through the back door for her morning ablution. The accused who had been pre-surveilling the said house was waiting near the house with an iron rod to commit theft after killing the inmates. As soon as Nabeesa came out of the

house she was hit on her head with an iron rod resulting in her instantaneous death. The accused then removed one gold bangle and a pair of gold ear-rings from the deadbody of Nabeesa. After killing Nabeesa, he gained his entry into the house through the back door which was lying open. He entered the bed room of Fousia and hit her also with the iron rod on the head killing her instantaneously. The accused then removed the gold bangles which she was wearing. With a view to molest her and outrage her modesty, he removed the bottom portion of her churidar, took out the inner wear exposing her private parts. He also laid bare both her breasts. He committed theft of one gold chain with a locket and cash worth Rs. 200/- from the almirah in the bed room of Fousia. The accused then set upon Noorjahan and gave her also heavy blows on her head and also on her minor children Nibul and Jennath who were sleeping in another bed room. He removed the gold chain, four gold bangles and a pair of ear - studs worn by Noorjahan. He then ransacked the almirah in that bed room and committed theft of cash worth Rs. 1,500/-. The accused then

decamped the place together with the booty. On the way, he threw away the iron rod used for bludgeoning the two women to death. The accused was arrested on 23-11-2006 in connection with the Puthenvelikkara crime referred to above. During the course of investigation, on the strength of the confession made by the accused the police party recovered gold ingots weighing 36.100 gm from Balaji Jewellers, Kodungalloore, gold ingots weighing 73.600 gms. from Jesna Jewellery, Kodungalloore , 83.600 gms of gold ingots from Vanitha Jewellery, Kodungalloore. The respective jewellers have told the investigating agency that the above ingots are the products of melting the ornaments which the accused had entrusted with them with a request to convert them into other ornaments allegedly for the wedding of his sister. After the commission of the gruesome murder and robbery the accused had made an extra-judicial confession under the influence of alcohol to a friend of his by name C.P. Thambi to the effect that he had committed the murder of two women and had robbed them off their jewellery and cash. The said Thambi has also given a

statement under Sec. 164 Cr.P.C. to the Magistrate. The accused is also involved in the following cases as well:-

1. 156/06	Puthenvelikkara Police Station	449,302 and 307 I.P.C.
2. 157/06	"	457, 46, 380 I.P.C.
3. 161/06	"	457 and 380 I.P.C.
4. 167/06	"	457 and 379 I.P.C.
5. 413/04	Mathilakam Police Station	457, 392 and 302 I.P.C.
6. 109/05	Kodungallur Police Station	--
7. 295/03	Mala Police Station	302 I.P.C.
8. 479/05	Paravur Police Station	302 I.P.C.

I am not inclined to grant bail to the petitioner. Enlarging a person like the petitioner on bail will be a threat to the society. He has already committed eight murders and he is a potential threat to the society. This petition is accordingly dismissed.

V. RAMKUMAR,
(JUDGE)

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